



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

PERMIT

DEVELOPMENT PERMIT DP 4637-A

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Marshal Swain for Development Permit DP 4637-A, finds the following facts:

1. Applicant: Marshal Swain
PO Box 1211
Rangeley, ME 04970
2. Date of Completed Application: January 21, 2016
3. Location of Proposal: Rangeley Plt., Franklin County
Lot # 2 on Plan 05
4. Zoning: (D-GN2) Community Center Development Subdistrict
(P-SL2) Shoreland Protection Subdistrict
(M-GN) General Management Subdistrict
5. Lot Size: 180 Acres
6. Affected Waterbody: None

Background

7. The administrative history for the development of the commercial storage area on the Swain property is summarized below in Section A through H. The Swain family owns several lots along the North side of Southshore Road with Rangeley Lake shore frontage, including a commercial marina, snowmobile rental business, and rental cabins. Portions of the property have been in the Swain family since 1914. The administrative history of the parcel is as follows:
 - A. Marshal Swain purchased the property in 1995 from Jean Grant and Harold S. Swain. The property was undeveloped at the time of purchase.
 - B. In June of 1997 the applicant was storing commercial materials (boats and snowmobiles) and unpermitted trailers on said property. As a result Enforcement Case EC 97-022 was opened. (Reference EC 97-022)
 - C. Notice of Violation letters were sent to the applicant in March of 2001, May of 2002, and February of 2003.
 - D. Application for a commercial storage facility greater than 10,000 square feet was received by LURC on March 17, 2003.

- E. In 2012 the applicant continued to store commercial materials and unpermitted trailers on said property as a result enforcement case EC 12-55 was opened. (Refrence EC 12-55)
- F. A follow up letter was sent to the applicant on August 23, 2012 regarding the reapplication for a development permit for the storage area.
- G. The applicant participated in an office visit with LUPC staff on May 1, 2014 where it was determined the applicant had submitted a complete development permit application and paid the fee in 2003.
- H. On September 22, 2014 a letter was mailed to the applicant in order to seek a more updated submission for a development permit as the one on file was more than eleven years old. No response was received from the applicant.
- I. On January 21, 2016 the original application DP 4637 from 2003 was located in archived files.

Review Criteria:

- 8. Storage of commerical materials and trailers in the D-GN2 is allowed with special exception as listed in 01-672 (10.21,D (D-GN2) Sec. 3.d.1.b. Commercial Uses with a total of no more than 10,000 square feet of outdoor display or storage area combined.
- 9. Under the provisions of section 10.26, D, 2, c of the Commission's Land Use Districts and Standards, the minimum setbacks for multi-family dwellings and commercial, industrial, and other non-residential principle and accessory structures are 75 feet from the traveled portion of the nearest roadway and 25 feet from property lines.
- 10. The facts are otherwise as represented in Development Permit application DP 4637-A and supporting documents.

Based upon the above Findings, the staff concludes that:

- 1. The proposed commercial storage would be in compliance with Section 10. 21,D of the Commission's Land Use Districts and Standards, in that the proposed commercial storage area would not adversely affect surrounding uses and resources.
- 2. If done accordingly to special exception 01-672 (10.21,D (D-GN2) Sec. 3.d.1.b. Commercial Uses with a total of no more than 10,000 square feet of outdoor display or storage area combined requires a permit.
- 3. If carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, section 685-B (4) of the Commission's Statutes, 12 M.R.S.A.


Therefore, the staff approves the amendment request of Marshal Swain with the following conditions:

- 1. All items stored must be within a 10,000 square foot area as defined by 01-672 (10.21,D (D-GN2) Sec. 3.d.1.b. Commercial Uses with a total of no more than 10,000 square feet of outdoor display or storage area combined
- 2. All authorized structures (trailers – snowmobile crates) must be set back a minimum of 75 feet from Southshore Road and 25 feet from other property boundary lines.

3. Clearing and construction activities, except those necessary to establish sedimentation control devices, shall not begin until all erosion and sedimentation control devices (including ditches, culverts, sediment traps, settling basins, hay bales, silt fences, etc.) have been installed and stabilized. Once in place, such devices shall be maintained to ensure proper functioning. All temporary sedimentation and erosion control devices shall be removed after construction activity has ceased and a cover of healthy vegetation has established itself or other appropriate permanent control measures have been effectively implemented. Permanent soil stabilization shall be completed within one week of inactivity or completion of construction.
4. Provision shall be made for vehicular access to and within the project premises in such a manner as to avoid traffic congestion and safeguard against hazards to traffic and pedestrians along existing roadways within the project area. Development shall be located and designed so that the roadways and intersections in the vicinity of the development will be able to safely and efficiently handle the traffic attributable to the development in its fully operational stage.
5. The scenic character and healthful condition of the area covered under this permit must be maintained. The area must be kept free of litter, trash, junk cars and other vehicles, and any other materials that may constitute a hazardous or nuisance condition.
6. Activities involving sources of potential contamination, including junkyards, automobile graveyards, gas stations, and bulk storage of petroleum products, must be located at least 300 feet from existing private and public water supplies.
7. Nothing in this permit shall be construed to release the permittee from any liability or responsibility arising from any violation, including Enforcement Case EC 97-022 and EC 12-55, or to be considered a waiver of the authority of the Commission or the state to fully pursue or prosecute such violations.
8. No further development may occur on this lot without prior approval by the Maine Land Use Planning Commission.

This permit is approved upon the proposal as set forth in the application and supporting documents, except as modified in the above stated conditions, and remains valid only if the permittees comply with all of these conditions. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Planning Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT WEST FARMINGTON, MAINE, THIS 21st DAY OF JANUARY, 2016.

By: 
for Nicholas Livesay, Director



ANGUS S. KING, JR.

GOVERNOR

STATE OF MAINE
DEPARTMENT OF CONSERVATION
LAND USE REGULATION COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0022

TR #
916816

ck # 462

RECEIVED
ck rec'd \$50.00
MAR 17 2003

LURGALLO
RONALD B. LYGLO
COMMISSIONER

Application No. DP 4637A

Tracking # 48063

APPLICATION FOR DEVELOPMENT PERMIT

INSTRUCTIONS:

- Step 1: Print in ink or type answers and prepare all required "Exhibits."
- Step 2: Make out a check or money order for the application fee payable to the "Treasurer, State of Maine".
- Step 3: Send your completed application to:
Maine Department of Conservation
Maine Land Use Regulation Commission
22 State House Station
Augusta, Maine 04333-0022

If you have any questions, please call (207) 287-2631 or our in-state toll free telephone number is 1-800-452-8711.

1. Applicant's name: Marshall J. Swain #
Applicant's mailing address: P.O. Box 1211
Rangely, Me 04970
Applicant's telephone number: 207-864-4338

2. Provide a detailed description and purpose of the work to be accomplished. Please try to be as clear as possible so that the Commission may understand exactly what it is that you are proposing.

I am proposing To Store Snowmobile
Trailers, boats and Trailers, Snowmobiles
Snow glows, Storage Trailers, ATV Trailer
Snowmobile Storage crates, ATV Storage crates
Tools Firewood, outboard engine, inboard
engine, Personal watercraft and any other
motorized vehicle, such as my car Truck or
Front end Loader etc.

OWNERSHIP INFORMATION

EXHIBIT A, TITLE, RIGHT OR INTEREST

Submit, as Exhibit A, proof that you have title, right or interest to the land you intend to develop. For this exhibit you must submit one of the following:

- A complete copy of your deed;
- A complete copy of your lease;
- A copy of a binding option to purchase all the necessary interest in the property, or a similar contractual document.

3. If the land on which you propose to build was purchased or leased after September 23, 1971, give the name and address of the person or company who sold or leased you the land:

Name: Harold Swain - Geraldine Wilkinson - Gen. Grant
Address: Farmington, Me - Manchester N.H. - Bangsley, Me

4. Is the owner of the proposed development a corporation? Yes ☐ No ☒

EXHIBIT B, CORPORATE GOOD STANDING

If the answer is "Yes", please submit, as Exhibit B, a certification of good standing from the Secretary of State, State of Maine.

5. Is the applicant the owner of the proposed development? Yes ☒ No ☐

6. Name and address of owner, if different from applicant:

LOCATION INFORMATION

RECEIVED

MAR 17 2003

7. Where is the land you propose to develop?

Name of Twp./Plt.: Rangely Plantation

County: Franklin LURC-AUGUSTA

EXHIBIT C, LOCATION MAP

Enclose with this application as Exhibit C, a copy of a Land Use Guidance Map or U.S.G.S. topographic map, on which is marked the location of your development.

The Maine Land Use Regulation Commission has copies of our zoning maps. If you did not receive one with this application, copies of these maps are available upon request from the Commission's office. There is no charge for these maps.

Or you may submit a U.S.G.S. topographic map available at most stationary and sporting goods/hunting stores.

Whichever map you submit, please mark the location of your development clearly with an X then draw a larger circle around the X.

8. Is any part of the development site within 250 feet of any rivers, streams, water courses, ponds, lakes, tidal waters? Yes ☐ No ☒

If "Yes", what is the name of that waterbody, if known? _____

9. What kind of access road is your lot on? _____ numbered route # _____
_____ logging road _____ camp road _____ subdivision road

What is the name of the road? South Shore Drive

10. Is the lot part of a LURC approved subdivision? Yes ☐ No ☒

If "Yes", what is the name of the person or company who subdivided the land?

What is the number of the permit for approved subdivision? _____

DEVELOPMENT LOT INFORMATION

11. What is the size of your lot? 40,000 ~~sq~~ square feet/aces
Give size in square feet if less than 2 acres.

*total wood lot acres
approximately 180*

12. Length of road frontage: 200 feet

13. Length of shore frontage: 0 feet

14. Total area to be developed: 40,000 ~~sq~~ square feet/aces

EXHIBIT D, "BEFORE" PLAN

Submit as Exhibit D, a drawing on graph paper that shows the area within 300 feet of your proposed development. This should be a plan that shows, drawn to scale, the following:

- | | |
|--|---|
| <input type="checkbox"/> property lines | <input type="checkbox"/> existing utility lines |
| <input type="checkbox"/> existing structures | <input type="checkbox"/> wooded and open (field) areas |
| <input type="checkbox"/> existing sewage disposal facilities | <input type="checkbox"/> wet areas (swamps, bogs, marshes) |
| <input type="checkbox"/> existing wells | <input type="checkbox"/> rivers, streams, lakes, ponds) |
| <input type="checkbox"/> existing roads and driveways | <input type="checkbox"/> steep slopes, (show direction of slopes) |

Check off above and show on the plan you draw all of the features as they exist before development begins. Put dimensions on the drawing to show the size of existing features and their distance from the property lines.

15. Do you propose to locate any building on the lot? Yes ☐ No ☒
If "Yes", what kind of buildings do you propose? ☐ office building ☐ mill building
☐ other (explain) _____
16. Distance principal building will be set back from the access road: _____ feet
17. Distance principal building will be set back from waterbody: _____ feet
18. Dimensions of principal building: Number of stories: _____
Length: _____ feet Width: _____ feet
19. Has the building already been constructed or placed on the lot, or has the lot been prepared for construction in any manner? Yes ☐ No ☐
If "yes", explain and give date of such activities: _____

20. Type of foundation (check one): ☐ full basement ☐ frost walls ☐ slab ☐ posts
☐ sills ☐ other (explain) _____
21. What kind of accessory building(s) do you propose? _____

22. Distance accessory structure(s) will be set back from the road?
_____ Ft. _____ Ft. _____ Ft.

RECEIVED

Slope 78%
needs
Stabilization

23. Distance accessory structure(s) will be set back from waterbody?

_____ Ft. _____ Ft. _____ Ft.

24. Dimensions of accessory structure(s):

Length: _____ Ft. _____ Ft. _____ Ft.

Width: _____ Ft. _____ Ft. _____ Ft.

Height: _____ Ft. _____ Ft. _____ Ft.

25. Do you propose to construct any signs? Yes _____ No ☒

If "yes", state dimensions and colors: _____

Include a color scale drawing of the signs.

26. Do you propose to construct any roads? Yes _____ No ☒

If the answer is "yes", provide the following information:

Length of road: _____ Right-of-way width: _____

Travel width: _____ Number of culverts: _____

Surface materials: _____

27. Who will be responsible for continued maintenance of all roads within the development?

28. Will any parking areas or other areas be stripped or graded, not to be revegetated?

Yes _____ No ☒

If "yes", state total area not to be revegetated: _____ square feet/acre

If "other", explain: _____

EXHIBIT E, DRAINAGE AND STABILIZATION

Submit, as Exhibit E, a drainage and soil stabilization/revegetation plan. This plan should include proposed stabilization measures (riprap, sodding, etc.), culvert size and location, and a description of any other drainage control measures to be used (ditches, water bars, etc.).

EXHIBIT F, MEDIUM INTENSITY SOILS

Submit, as Exhibit F, a medium intensity (or greater intensity, if available) soils map of the development area, available from the local office of the U.S. Soil Conservation Service.

29. If you have lake or river frontage, do you propose to alter the shoreline in any way? For example, do you propose to create a beach, riprap, build a dock, boathouse, etc.?

Yes _____ No ☒

Such activities require approval of this agency and in most cases the Maine Department of Environmental Protection or Maine Department of Inland Fisheries and Wildlife. A separate application is required for these activities. If you plan any such activities, please call or write immediately and briefly explain your plans. We will supply you with the appropriate application form so that your entire project can be reviewed all at once.

30. Estimated total cost of entire development: \$ 300.00

How will development be financed?

☒ by the applicant ☐ by state government loan ☐ by bank
☐ other: _____

(Please note: You may be requested to provide evidence of the availability of funds adequate to complete the proposed development. Example: certification from bank or other financial institution.)

SERVICE INFORMATION

31. Will the development site have electric power? Yes ☐ No ☒

If "yes", will the power be generated ☐ on site? ☐ by power company?

If "on-site", how? _____

If by "power company," approximately how far is it to the nearest existing service line?

_____ feet What is the name of the company? _____

(Please note: If you need these services you should advise the applicable service companies of your intentions as soon as possible as they may require a permit from the Maine Land Use Regulation Commission before they can serve your site.)

32. What State-approved dump will you use for disposal of rubbish and other solid wastes generated at the development site?

Name of dump Transfer Station Location of dump South Shore Drive
Number of miles distant 4 miles

(Please note: If the above named dump is not your township or plantation's designated dump, you must provide us with a statement from the official responsible that says that your use of the dump is acceptable.)

33. Who will provide fire protection to your development site?

Name of fire department or organization: Rangely Fire Dept.

Distance to fire station: 5 1/2 miles mile(s)

34. Will the development result in the generation of any airborne effluent other than ordinary fireplace smoke or heating furnace exhaust? Yes ☐ No ☒

If "Yes", describe: _____

35. Will water be used at the development site? Yes ☐ No ☒

If "yes", from where will the water supply be obtained? Check appropriate box(es).

☐ drilled well ☐ dug well ☐ lake ☐ stream ☐ spring

☐ other (explain) _____

36. How will water be supplied to the development?

☐ electrical pump ☐ gravity feed ☐ hand carried ☐ hand pump

37. Will the development result in the generation of any liquid effluent other than wastewater or sewage? Yes ☐ No ☒ If "yes", explain: _____

(Please note: Answer questions 39 through 43 after you have talked to your site evaluator. See Exhibit G below.)

38. How will domestic wastewater (graywater) be disposed? _____

39. How will commercial wastewater be disposed (if applicable)?

40. How will human waste (black water) be disposed? _____

41. What plumbing facilities will be included at the development site? (Check applicable box(es) and include how many of each.)

<input type="checkbox"/> toilets # _____	<input type="checkbox"/> lavatories # _____	<input type="checkbox"/> open pit privies # _____
<input type="checkbox"/> showers # _____	<input type="checkbox"/> dishwashers # _____	<input type="checkbox"/> sealed vault privies # _____
<input type="checkbox"/> sinks # _____	<input type="checkbox"/> other (explain) _____	

42. If restaurant, boarding house, hotel, motel, etc:

Number of seats and/or number of bedrooms _____

Estimated number of people per day _____

Seasonal _____ Year Round _____

EXHIBIT G, SOILS REPORT

Enclose with this application as Exhibit G, a fully completed HHE 200 Application For Private Sewage Disposal. The HHE 200 form must be prepared by a Maine site evaluator. You must contact and hire one of these professionals to investigate and report the soil conditions on your property and to design and locate the appropriate sewage disposal system, including privies.

EXHIBIT H, DEVELOPMENT SITE PLAN

Submit, as Exhibit H, a drawing that shows the area shown in the "Before" Plan (Exhibit D), but showing what the area will look like after the development has been completed. The plan should be drawn to the same scale as Exhibit D, and should show the following:

N/A the proposed well location

N/A the proposed buildings and accessory structures

✓ any proposed roads, driveways, parking areas, etc.

N/A location of any new sewage disposal facilities

OK any proposed clearing, filling, or grading No Additional C/F/G

OK any other improvements, including buffer strips

Check off and show on the plan you draw, all of the changes that will be made to the lot.

(Please note: Any submission larger than 8½" by 11" must be submitted in six copies, exclusive of deeds, leases or Forms HHE 200's. All plans should be drawn to the same scale, and such scale clearly indicated on each plan.)

I hereby declare that I have examined this application, including the accompanying exhibits, and to the best of my knowledge and belief it is true and complete.

Landowner's Signature: _____

Date: 7-27-2002

THIS APPLICATION IS NOT YOUR PERMIT! No construction activities may begin prior to your receipt of a signed permit from the Commission.

Note: The Maine Land Use Regulation Commission may require, in certain individual cases, additional information not encompassed in this application.



STATE OF MAINE
DEPARTMENT OF CONSERVATION
22 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0022

RECEIVED
MAR 17 2003
LURC-AUGUSTA

ANGUS S. KING, JR.
GOVERNOR

RONALD B. LOVAGLIO
COMMISSIONER

PLEASE NOTE

WETLAND EXHIBIT FOR ALL LURC APPLICATIONS

The following questions ask for additional information about wetlands that is needed to process your LURC permit application. All applicants must answer Questions 1 and 2, sign at the bottom of the page, and RETURN THIS SHEET WITH YOUR APPLICATION.

NOTE: If the answer to either question is YES, then you must also complete a WETLAND SUPPLEMENT FORM and include it with your permit application. Contact any LURC office for a copy of the Wetland Supplement.

Question 1: Are there any P-WL zones that will be altered by your project? To answer, look at the Land Use Guidance Map for your township and locate your property.

YES _____ NO X

Question 2: Will your project alter more than 1 acre of land? This includes any type of alteration of wetland, upland, and waterbodies. If YES, and wetlands are present at the site, you must include a delineation of the wetland boundaries in the project area along with the Wetland Supplement form. The presence of wetlands and the wetland boundaries must be determined by a qualified professional.

YES _____ NO X

P-WL zones includes lakes, ponds, rivers, streams, bogs, marshes, tidal waters, and any other wetlands that are shown on the map. This includes any small streams that are in the area of your project, even if they are not shown on the Land Use Guidance map. Refer to the map legend for help in determining whether the P-WL zone is a P-WL1, P-WL2, or P-WL3.

Alteration means dredging; bulldozing; removing or displacing soil, sand, vegetation or other materials; draining or dewatering; filling; or any other construction, repair or alteration of any permanent structure.

Signature: [Signature] Date: 7-21-02

Print name of applicant: Marshall J. Swain

Location of Property: Twp./Plt: Rangely Plantation County: Franklin

LURC 5/01

MAINE LAND USE REGULATION COMMISSION
JOHN S. WILLIAMS, DIRECTOR



PRINTED ON RECYCLED PAPER

NO to
any more

PHONE: (207) 287-2631
IN-STATE TOLL FREE: (800) 452-8711
FAX: (207) 287-7439
TTY: (207) 287-2213

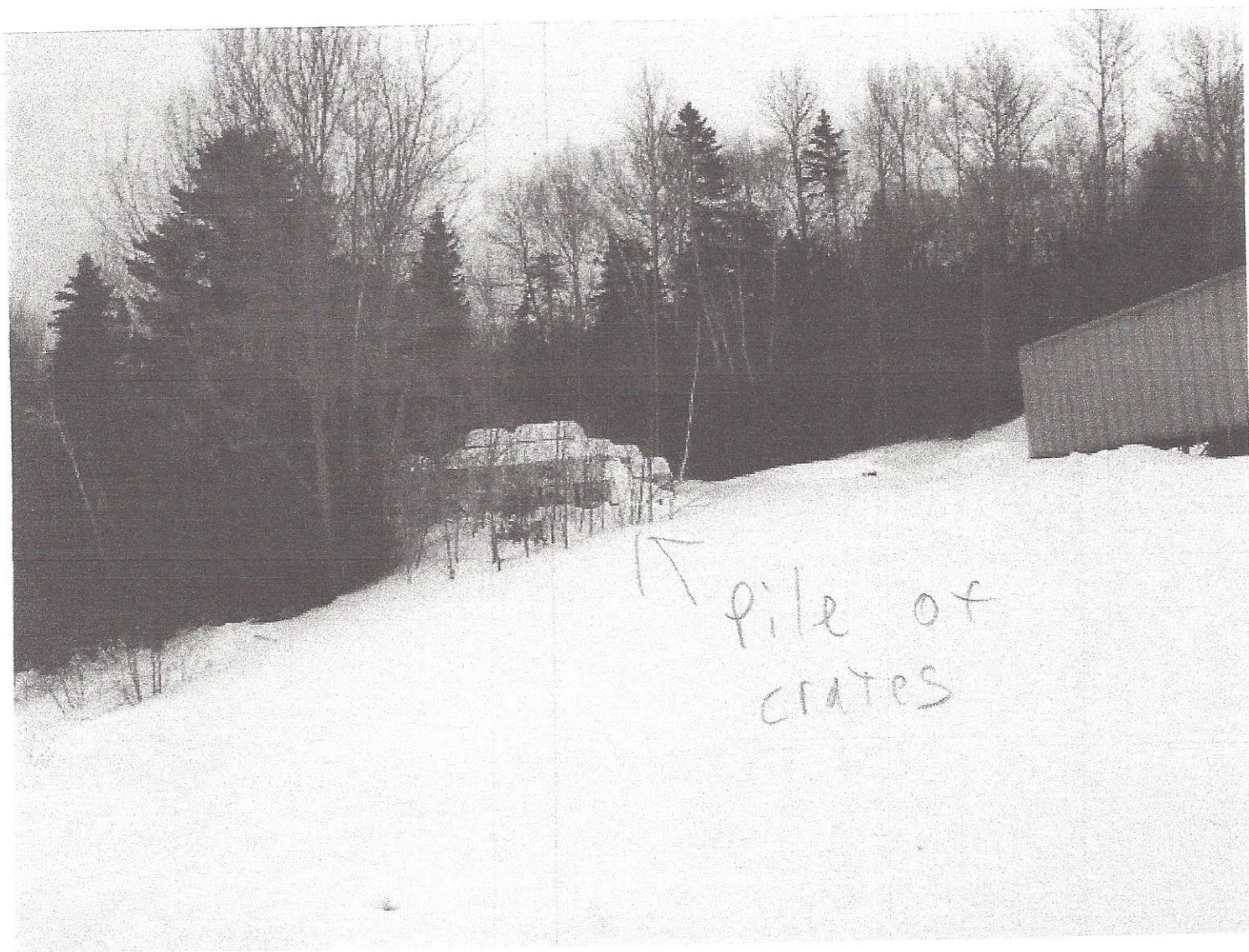
RECEIVED
MAR 17 2003
LURC-AUGUSTA



truck
Bodies
used as
Storage Bldgs

RECEIVED
MAR 17 2003
LURC-AUGUSTA





RECEIVED
MAR 17 2003
LURC-AUGUSTA

Maximum 35' height

4000 ft no exception

3000 ft with exception

500' or closer to 25' high

